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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,544	10/24/2003	Carl M. Burnett	19224.02	6894

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LITMAN LAW OFFICES, LTD.
P.O. BOX 15035 CRYSTAL CITY STATION
ARLINGTON, VA 22215

EXAMINER

CHEN, CHONGSHAN

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/691,544

Applicant(s)

BURNETT, CARL M.

Examiner

Chongshan Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. Claims 1-19 are pending in this Office Action.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 23 October 2003 complies with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,681,231 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because following reasons:

Claim 1 of the instant application substantially recites the limitations of claim 1 of US Patent 6,681,231 B1. The claim merely omits certain the underlined limitations as shown in the comparison table 1 below.

Instant Application Claim 1	US Patent 6,681,231 B1 Claim 1
<p>1. A geospatial entity object code (GEOCode) comprising</p> <p>a single concatenated numeric geospatial data format or an encapsulated object class, converted from global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information.</p>	<p>1. An integrated information processing system for geospatial information processing, said integrated processing system comprising:</p> <p><u>scheduling means for scheduling requests for acquisition of geospatial data, said geospatial data including visual, audio, textual, and geospatial information;</u></p> <p><u>acquisition means for acquiring geospatial data, said acquisition means comprising:</u></p> <p><u>encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition;</u></p> <p><u>capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver; and</u></p> <p><u>converting means for converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class for encoding onto a video frame at a time of media acquisition;</u></p> <p><u>production means for producing integrated geospatial datasets; and</u></p> <p><u>distribution means for distributing geospatial datasets; wherein said scheduling, acquisition, production, and distribution means are interconnected via an information network.</u></p>

Table 1

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claim 1 of the US Patent since the omission and addition of the cited limitations would have not changed the process according to which the method for converting geospatial information. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1 of the cited US patent by deleting the use of “scheduling means ...; acquisition means ...; encoding means ...; capturing means ...; production means ...; and distribution means”. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. In re Karlson, 136 USPQ 184 (CCPA 1963).

The dependent claims 2-7 of the instant application are rejected for fully incorporating the errors of their respective base claims by dependency.

Claim 8 of the instant application substantially recites the limitations of claim 1 of US Patent 6,681,231 B1. The claim merely omits certain the underlined limitations as shown in the comparison table 2 below.

Instant Application Claim 8	US Patent 6,681,231 B1 Claim 1
8. Acquisition means for acquiring geospatial data, said acquisition means comprising:	1. An integrated information processing system for geospatial information processing, said integrated processing system comprising: <u>scheduling means for scheduling requests for acquisition of geospatial data, said geospatial data including visual, audio, textual, and geospatial information;</u> <u>acquisition means for acquiring geospatial</u>

<p>encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition;</p> <p>capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver; and</p> <p>converting means for converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class for encoding onto a video frame at a time of media acquisition.</p>	<p><u>data, said acquisition means comprising:</u></p> <p>encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition;</p> <p>capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver; and</p> <p>converting means for converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class for encoding onto a video frame at a time of media acquisition;</p> <p><u>production means for producing integrated geospatial datasets; and</u></p> <p><u>distribution means for distributing geospatial datasets; wherein said scheduling, acquisition, production, and distribution means are interconnected via an information network.</u></p>
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Table 2

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claim 1 of the US Patent since the omission and addition of the cited limitations would have not changed the process according to which the method for capturing and converting geospatial data. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1 of the cited US patent by deleting the use of “scheduling means ...; acquisition means ...; production means ...; and distribution

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means". The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. In re Karlson, 136 USPQ 184 (CCPA 1963).

The dependent claims 9-11 of the instant application are rejected for fully incorporating the errors of their respective base claims by dependency.

Claim 12 of the instant application substantially recites the limitations of claim 1 of US Patent 6,681,231 B1. The claim merely omits certain the underlined limitations as shown in the comparison table 3 below.

Instant Application Claim 12	US Patent 6,681,231 B1 Claim 1
12. A geospatial information processing method comprising:	<p>1. An integrated information processing system for geospatial information processing, said integrated processing system comprising:</p> <p><u>scheduling means for scheduling requests for acquisition of geospatial data, said geospatial data including visual, audio, textual, and geospatial information;</u></p> <p><u>acquisition means for acquiring geospatial data, said acquisition means comprising:</u></p> <p><u>encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition;</u></p> <p><u>capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated</u></p>

<p>providing global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information; and</p> <p>converting the global positioning system coordinates into a single concatenated numeric geospatial data format or an encapsulated object class.</p>	<p><u>with the geospatial receiver; and</u></p> <p>converting means for converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class <u>for encoding onto a video frame at a time of media acquisition;</u></p> <p><u>production means for producing integrated geospatial datasets; and</u></p> <p><u>distribution means for distributing geospatial datasets; wherein said scheduling, acquisition, production, and distribution means are interconnected via an information network.</u></p>
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Table 3

It would have been obvious to one of ordinary skill in the art of data processing at the time the invention was made to modify the cited steps as indicated claim 1 of the US Patent since the omission and addition of the cited limitations would have not changed the process according to which the method for converting geospatial data. Therefore, the ordinary skill artisan would have been also motivated to modify claim 1 of the cited US patent by deleting the use of “scheduling means ...; acquisition means ...; encoding means ...; capturing means ...; production means ...; and distribution means”. The cited omitting elements would not interfere with the functionality of the steps previously claimed and would perform the same function. In re Karlson, 136 USPQ 184 (CCPA 1963).

The dependent claims 13-19 of the instant application are rejected for fully incorporating the errors of their respective base claims by dependency.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Fano (US 6,317,718 B1).

As per claim 1, Fano discloses a geospatial entity object code (GEOCode) comprising a single concatenated numeric geospatial data format or an encapsulated object class, converted from global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information (Fano, col. 5, lines 40-55).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fano (US 6,317,718 B1) in view of Lachinski et al. ("Lachinski", 5,633,946).

As per claim 2, Fano teaches all the claimed subject matters as discussed in claim 1, except for explicitly disclosing the GEOCode according to claim 1, in combination with converting means for converting global position system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into the GEO code for encoding onto a video frame at a time of media acquisition. Lachinski teaches converting global position system coordinates into the GEO code for encoding onto a video frame at a time of media acquisition (Lachinski, Fig. 2, element 24, GPS receiver, element 16, data acquisition control computer, element 20, video tape recorder, col. 2, lines 24-38). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the GPS enabled system of Fano by combining with the video tape recorder of Lachinski. The motivation being to provide the GPS enabled system of Fano with a recording capability and record the geospatial data into a video so that the data can be later reviewed as many times as is necessary to validate the accuracy.

As per claim 3, Fano and Lachinski teach all the claimed subject matters as discussed in claim 2, and further teach encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition (Lachinski, Fig. 2, element 24, GPS receiver, element 16, data acquisition control computer, element 20, video tape recorder, col. 2, lines 24-38).

As per claim 4, Fano and Lachinski teach all the claimed subject matters as discussed in claim 3, and further teach capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first

location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver (Lachinski, col. 4, line 64 – col. 5, line 9).

As per claim 5, Fano and Lachinski teach all the claimed subject matters as discussed in claim 4, and further teach scheduling means for scheduling requests for acquisition of geospatial data, said geospatial data including visual, audio, textual, and geospatial information (Fano, col. 36, lines 48 – 59).

As per claim 6, Fano and Lachinski teach all the claimed subject matters as discussed in claim 4, and further teach production means for producing integrated geospatial datasets (Lachinski, col. 2, lines 10-14).

As per claim 7, Fano and Lachinski teach all the claimed subject matters as discussed in claim 4, and further teach distribution means for distributing geospatial datasets (Lachinski, col. 2, lines 10-14).

As per claim 8, Lachinski discloses acquisition means for acquiring geospatial data, said acquisition means comprising:

encoding means for encoding geospatial data onto a data segment of a video frame at a time of geospatial data acquisition (Lachinski, Fig. 2, element 24, GPS receiver, element 16, data acquisition control computer, element 20, video tape recorder, col. 2, lines 24-38);

capturing means having a geospatial receiver interconnected with a focus element at a first location, said capturing means being configured for capturing information of an entity at a second location, and geospatially referencing the second location to the first location in accordance with a focus ratio of the focus element and geospatial data associated with the geospatial receiver (Lachinski, col. 4, line 64 – col. 5, line 9).

Lachinski does not explicitly disclose converting means for converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class for encoding onto a video frame at a time of media acquisition.

Fano teaches converting global positioning system coordinates in latitude and longitude format or decimal equivalent format and additional spatial information into a single concatenated numeric geospatial data format or an encapsulated object class for encoding onto a video frame at a time of media acquisition (Fano, col. 5, lines 40-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the geospatial data acquisition system of Lachinski by incorporating a converting mean in the same conventional manner as disclosed by Fano (Fano, col. 5, lines 40-55). The motivation being to protect the data in an object from accidental damage.

Claims 9-19 are rejected on grounds corresponding to the reasons given above for claims 1-8.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chongshan Chen whose telephone number is (571)272-4031. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571)272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chongshan Chen
December 11, 2004



JEAN M. CORRIELUS
PRIMARY EXAMINER